

Let's figure out how to do something so that these enemies of ours, truly we're doing everything we can to listen to what they say, to try to track their actions, to try to anticipate what they're going to do.

This is clearly a very dangerous time for the country and the world. It's easier to follow up on the activities under our law of organized crime or even white collar crime than it is at this moment to follow up on the activities of our enemies in the terrorist camps of the world.

I hope, Madam Speaker, that we don't just take a vote for the sake of having a vote and, if this bill does fail, we all continue to work for however long is necessary to arrive at an agreement in this building that winds up with a bill on the President's desk that winds up with our intelligence agencies doing everything they can.

Mr. CONYERS. I am now pleased to recognize the chairman of the Constitution Subcommittee, the gentleman from New York, JERRY NADLER, for 1 minute.

Mr. NADLER. Madam Speaker, we were told by the administration, by the Director of National Intelligence, a couple of weeks ago that they needed two things: They needed to clarify that we didn't need a court order for a foreign-to-foreign communications. This bill does it. They needed an assurance that telecommunications companies would be compelled to assist in gathering of national security information under this bill. This bill contains it.

Yesterday, we were told they needed three more things: They needed that we should deal with not just relating to terrorism but to matters relating to our foreign intelligence. It's in this bill. We were told we should eliminate the requirement that the FISA Court adjudicate our recurring communications to the U.S. from foreign targets would be handled. It's in this bill. We were told that we should allow for foreign targets to be added to the basket warrant after the warrant was approved. It's in this bill.

The DNI, Admiral McConnell, said that this bill would significantly enhance America's security until he spoke to the White House, and now he changes politically, and he says we need more. This is the bill that gives them everything they said they needed. It's the bill we should pass to protect our civil liberties, and we should go no further.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FRANKS), a member of the Judiciary Committee.

Mr. FRANKS of Arizona. I thank the gentleman.

Madam Speaker, over the past three decades, the Foreign Intelligence Surveillance Act has become increasingly archaic, and our intelligence community has been inhibited from acting with speed and agility to conduct necessary surveillance of foreign targets. The consequence of missing terrorist

communications materialized before our eyes on the morning of 9/11; and, Madam Speaker, in the eyes of our enemy, 9/11 is only the beginning.

Madam Speaker, if we knew exactly where every terrorist in the world was at this moment, the war on jihad would be, in practical terms, over in about 6 weeks. However, in this 21st century, it is intelligence that is our most critical challenge. Without intelligence, our entire national defense structure is rendered ineffective and the lives of millions of Americans are placed at the mercy of an enemy possessed with a merciless ideology and a relentless vision of the Western World in nuclear flames.

Just this week, Madam Speaker, a new al Qaeda propaganda ad appeared on the Internet entitled, "Wait for the Big Surprise." And it closed with these words: "Soon, God willing."

Just today, Madam Speaker, the Director of National Intelligence issued an unequivocal statement that the bill we are now considering is an unacceptable solution and one that would keep him from fulfilling his duty to anticipate threats and to protect our Nation.

Madam Speaker, al Qaeda will not adjourn when we do. Today, this night, is our opportunity to address this vital issue. If we let partisan bickering cause us to fail, we should start now to write our apology to the children of the next generation who may see nuclear jihad and the generation beyond that that may see dangers beyond our imagination.

Madam Speaker, we must not fail.

Mr. REYES. Madam Speaker, it is now my privilege to yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. I thank the gentleman for yielding.

Madam Speaker, for some time now, for months, the administration has been contending that it needed relief from a warrant obligation to intercept communications between a foreign agent and a foreign agent. But we all know that doesn't apply. You don't need a warrant in those situations. So it has long been our contention that that wasn't needed and we did not need to approve the administration's sweeping request for the authority to tap every American citizen based on that premise. We offered legislation to just clarify that fact, and the Republicans voted against it, and the administration turned it down.

Now, last week, the DNI came forward and informed us of a critical collection gap in electronic surveillance. So we went to work again and met with the DNI to try to resolve and identify just what it was and negotiate a resolution. We did that despite the fact the administration has been withholding documentation that would help us do that.

But now the President has started to politicize it. He took to the airwaves and began pressing for essentially warrantless surveillance and searches

on all Americans' phone calls, e-mails, homes, offices and personal records for at least 3 months and probably a lot longer than that by virtue of heading all the way through the appeals process.

He also sought authority to search concerning a person abroad. Didn't even have to target a person abroad, a foreign person. In other words, the search did not have to be directed in that direction, just concerning a person abroad.

It would also authorize any search inside the United States if the government can claim it concerns an al Qaeda or affiliate.

And it also sought authority for the Attorney General to authorize surveillance into and out of the United States with a court review only to determine that the procedures of the Attorney General clearly were erroneous; and, even if they found that, it was only advisory, apparently, because there was no remedy. No review or audit by a Department of Justice Inspector General to see how this was implemented. No sunset provision forcing review. Essentially an indefinite suspension of our constitutional rights and our civil liberties. Based on the word of this Attorney General? This one? And this President?

Intercepts United States citizens without finding a foreign agent is involved; rather, only that the conversations were believed. By this Attorney General? To concern people that were involved with al Qaeda? For any foreign intelligence, not just those related to terror or al Qaeda-related. No clerk, no judge, nobody in the balance to review this. No sunset.

The rule of law is still critical in this country. It is exactly when the government thinks that it can be the sole fair arbiter that we most need a judicial system to stand in and strike the balance. Even after our leadership agreed to do what the DNI mostly wanted, this administration still turned it down, still was on TV, still politicizing this effort.

Let's tell the President that we don't need a politician right now in the White House, we need a leader, somebody to stand up and draw this country together, somebody to make sure that we get the intelligence we need, that knows how to say "yes" when the DNI's requests are done.

The President went on TV saying that when the DNI told him that the deal was acceptable, that the war would work, he would accept it. Well, when the DNI talked to Democrats and leadership and said he was fine with what they suggested, a change would work, he went back to the White House and instead we got this sweeping law.

Let's make our Constitution work. We can have security and our civil liberties.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to my friend and colleague from Texas and a member of the Homeland Security Committee (Mr. MCCAUL).